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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,809	08/23/2001	Robert R. Snead	MFCP.80325	9609

5251 7590 05/19/2004
SHOOK, HARDY & BACON LLP
2555 GRAND BLVD
KANSAS CITY,, MO 64108

EXAMINER

HO, THE T

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,809

Applicant(s)

SNEAD ET AL.

Examiner

The Thanh Ho

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the application filed 8/23/2001.
2. Claims 1-18 have been examined and are pending in the application.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5-6 and 12-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The following terms lack antecedent basis:

(i) the applicant recites "a computer-readable medium..." on line 1 of claims 5 and 12, which are inappropriate dependents because they depend from methods of claims 1 and 7, respectively. Corrections are required.

(ii) the applicant recites "a computer system..." on line 1 of claims 6 and 13, which are inappropriate dependents because they depend from methods of claims 1 and 7, respectively. Corrections are required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Hall U.S Patent No. 5,974,541.

As to claim 1, Hall teaches a method in a computer system (system 100, Fig. 1) for asynchronously notifying (asynchronous event notification, line 10 column 4) at least one application (GPIB application program, line 18 column 4) of state changes in a device (events comprise states changes of the GPIB device, line 61 column 6) comprising:

using a device driver (GPIB driver level software operates to enable asynchronous event notification, lines 9-10 column 4), independently (the application does not need to check the status of the GPIB device; the driver automatically notifies the application that the event has occurred, lines 15-21 column 5) polling (automatic serial polling is enabled, line 67 column 7) a device (GPIB device, line 61 column 6) associated with the device driver (GPIB driver level software, line 9 column 4) for one or more events corresponding to one or more state changes (events comprise states changes of the GPIB device, line 61 column 6), wherein each event has a change notification (asynchronous event notification, line 10 column 4)

the device driver sending the change notification to the application (the driver automatically notifies the application that the event has occurred, lines 18-19 column 5).

As to claim 2, Hall further teaches the application is a library manager (GPIB libraries, line 31 column 4).

As to claim 3, Hall further teaches the application registering for one or more change notifications desired to be received (the callback function is registered as part of the original GPIB event notification request, lines 20-21 column 5).

As to claim 4, Hall further teaches the change notifications include a globally unique identifier (the notify request includes a unit descriptor which uniquely identifies the GPIB device, lines 50-52 column 2).

As to claim 5, it is a computer-readable medium claim of claim 1. Therefore, it is rejected for the same reasons as claim 1 above.

As to claim 6, it is a computer system claim of claim 1. Therefore, it is rejected for the same reasons as claim 1 above. Hall further teaches a processor (CPU, line 45 column 3), a memory (memory, line 45 column 3), and an operating environment (operating system, line 38 column 15).

As to claims 14-16, they are computer system claims of claims 1 and 3-4, respectively. Therefore, they are rejected for the same reasons as claims 1 and 3-4 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7-13 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall.

As to claim 7, it is a method claim of claim 1. Therefore, it is rejected for the same reasons as claim 1 above. Hall does not explicitly teach initiating a task by a client application to be performed on a device wherein the task resulting in a state change.

However, Hall teaches that the device (GPIB instrument, line 17 column 1), which performs various test and measurement functions, is being controlled by the GPIB software application executes on a computer system (lines 13-24 column 1). The device, under the control of the application, creates events that require service from the system (GPIB events are used to monitor system status or respond to instruments that are requesting service, lines 58-60 column 4). Therefore one of ordinary skill in the art would conclude that the application control the functions of the device by sending commands or tasks to the device, such commands or tasks create event within the device, wherein the events may include a state change (events comprise states changes of the GPIB device, line 61 column 6).

As to claims 8-9, they are method claims of claims 2-3, respectively. Therefore, they are rejected for the same reasons as claims 2-3 above.

As to claim 10, it is a method claim of claims 4 and 7. Therefore, it is rejected for the same reasons as claims 4 and 7 above.

As to claim 11, it is a method claim of claim 4. Therefore, it is rejected for the same reasons as claim 4 above.

As to claim 12, it is a computer-readable medium claim of claim 7. Therefore, it is rejected for the same reasons as claim 7 above.

As to claim 13, it is a computer system claim of claim 7. Therefore, it is rejected for the same reasons as claim 7 above.

As to claims 17-18, they are computer system claims of claims 7 and 9, respectively. Therefore, they are rejected for the same reasons as claims 7 and 9 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to The Thanh Ho whose telephone number is 703-306-5540. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Any response to this action should be mailed to:

Commissioner for Patents

P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (703) 872 - 9306.

Art Unit: 2126

- OFFICAL faxes must be signed and sent to (703) 872 - 9306.
- NON OFFICAL faxes should not be signed, please send to (703) 746 – 3493

TTH
May 10, 2004



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SUPERVISORY PATENT EXAMINER
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